UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,335	10/16/2000	Nicholas G. Duffield	- 03493.00054	9806

7590 05/28/2004	

MR. S. H. DWORETSKY
AT &T CORP,. ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER
LAM, DANIEL K

ART UNIT	PAPER NUMBER
2667	10

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/688,335	DUFFIELD ET AL.
	Examiner	Art Unit	
	Daniel K Lam	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8,9,11,21,22, and 24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9 and 22* is/are allowed.

6)☒ Claim(s) *8, 11, 21 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed on April 30, 2004, has been fully considered.

2. In view of a new interpretation of the claim language and the prior art of record, the amended independent claim 8 that incorporates the limitations of claims 1 and 8, and amended independent claim 21 that incorporates the limitations of claims 12 and 21, are now rejected.

   The rejection reason as follows: amended independent claims 8 and 21 recite the limitation of *the packet label comprises between 16 and 24 bits* that is disclosed in the prior art of record.

3. In view of a new interpretation of the claim language and the prior art of record, the amended independent claim 11 that incorporates the limitations of claims 1 and 11, and amended independent claim 24 that incorporates the limitations of claims 12 and 24, are now rejected.

   The rejection reason as follows: amended independent claims 11 and 24 recite the limitation of *multiplying the number of packet samples and the number of bits per sampled packet* that is disclosed in the prior art of record.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Amended independent claims 8, 11, 21 and 24 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U. S. Pat. No. 6,473,400 issued to Manning in view of U. S. Pat.

No. 5,949,786 issued to Bellenger.

Regarding **claims 8 and 21**, Manning discloses a method and a transmission

system for computing statistics relating to the flow of Internet data packets comprising:

- Port 1 (network traffic sampling point) for receiving data packets to be sampled.
  See fig. 1.

- Sampler 9 (sampling packets; a processor for computing a sampling function,
  responsive to the sampling function, for determining packets to be sampled) for
  sampling received data packets utilizing address data within the header of the
  received packet (function of an Internet protocol packet content). See fig. 1, col.
  3, lines 46-50, and col. 4, lines 23-25.

- *Indexing each packet sampled according to network address data within the*
  packet (packet label comprises between 16 and 24 bits). See col. 2, lines 28-33,
  and fig. 3, reference 31 network address.

However, Manning does not disclose the limitation of generating a packet label for each

sampled packet. But Bellenger discloses an apparatus with a Hash Generator 105 that

computes a hash value based on some control fields within the incoming frame. See fig.

2, col. 3, lines15-18, and col. 4, lines 57-60.

Therefore, it would have been obvious to those having ordinary skill in the art, at the time

of invention, to generate a packet label for each sampled packet so that a particular flow

of traffic can be identified efficiently and quickly by implementing simple hash code to access routing table which contains a label for identifying the flow as taught by Bellenger. See col. 3, lines 9-11.

Regarding **claims 11 and 24**, Manning discloses:

- Port 1 (network traffic sampling point) for receiving data packets to be sampled. See fig. 1.

- Sampler 9 (sampling packets; a processor for computing a sampling function, responsive to the sampling function, for determining packets to be sampled) for sampling received data packets utilizing address data within the header of the received packet (function of an Internet protocol packet content). See fig. 1, col. 3, lines 46-50, and col. 4, lines 23-25.

- *Accumulating packet count 32 and octet count 33 in the accumulation table 30 for sampled packet (multiplying the number of packet samples and the number of bits per sampled packet). See fig. 3, and col. 4, lines 47-48.*

Bellenger discloses an apparatus with a Hash Generator 105 that computes a hash value based on some control fields within the incoming frame. See fig. 2, col. 3, lines 15-18, and col. 4, lines 57-60.

Allowable Subject Matter

6. Independent **claims 9 and 22** are allowed over prior art of record because the prior art of record fails to show or suggest sampling interval for a given period is determined by the upper bound of a sampled packet's expected lifetime.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel K. Lam whose telephone number is (703)

305-8605. The examiner can normally be reached on Monday-Friday from 8:30 AM to

4:30 PM.

If attempt to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone

number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-4700.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status Information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKL
May 24, 2004

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600